

REMARKS

Minor amendments have been made to the specification. Claims 1, 7 - 8, 20, 26 - 27, 39, and 45 - 46 have been amended. Claims 2 - 6, 9 - 19, 21 - 25, 28 - 38, 40 - 44, and 47 - 57 have been cancelled from the application without prejudice. Claims 58 - 59 have been added. No new matter has been introduced with these amendments or added claims, which are supported in the specification as originally filed. Claims 1, 7 - 8, 20, 26 - 27, 39, 45 - 46, and 58 - 59 are now in the application.

I. Objection to the Specification

Paragraph 1 of the Office Action dated February 14, 2003 (hereinafter, "the Office Action") states that a substitute specification is required because of problems with page margins. Applicant believes that the specification as filed was within the allowable margins, and a duplicate copy of the specification as filed is included herewith.

II. Rejection Under 35 U.S.C. §112, second paragraph

Paragraph 3 of the Office Action states that Claims 8, 27, and 46 are rejected under 35 U.S.C. §112, second paragraph as being indefinite, referring to a missing antecedent for "said acquiring bank". Appropriate correction has been made herein, and the Examiner is requested to withdraw this rejection.

III. Rejection Under 35 U.S.C. §103(a)

Paragraph 5 of the Office Action states that Claim 1 - 4, 6 - 9, 11 - 17, 19 - 23, 25 - 28,

30 - 36, 38 - 42, 44 - 47, 49 - 55, and 57 are rejected under 35 U.S.C. §103(a) as being unpatentable over Daly et al. (U. S. Patent 5,878,141) in view of Bezos et al. (U. S. Patent 6,029,141). Paragraph 6 of the Office Action states that Claims 5, 10, 18, 24, 29, 37, 43, 48, and 56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Daly in view of Bezos and further in view of Franklin et al. (U. S. Patent 6,000,832). These rejections are respectfully traversed with reference to Claims 1, 7 - 8, 20, 26 - 27, 39, and 45 - 46 (as amended herein).

Applicants' amended independent claims specify limitations pertaining to a payment processor that processes payments for a merchant. This payment processor receives a payment protocol message that includes TV context information related to a TV commerce transaction, and automatically allocates a portion of a payment for the transaction to one or more TV originators identified by the context information. An amount to be paid to the merchant is therefore reduced by the automatically allocated portion.

As admitted on Page 3 of the Office Action, Daly does not teach gathering context information and including this information in a payment message. In Bezos, information is transmitted through a Uniform Resource Locator ("URL") sent between a user's device and a merchant, where this URL is provided on a Web page of an associate that refers traffic to the merchant for making purchases. See, for example, col. 11, lines 1 - 7 and Fig. 4, where element **406** identifies the associate within URL **400** (this being the associate whose Web site displayed the URL to the user). This URL uniquely identifies a product detail Web page stored at the merchant. See col. 12, lines 5 - 14. That is, the merchant can determine not only the Web

content being requested (via elements 402 and 404), but also the referring associate (via element 406). By the standard operation of the HTTP protocol, upon receiving this URL request at the merchant, the merchant retrieves the requested Web page (i.e., the "product detail page", such as page 136 of Fig. 8) and delivers it to the user's browser for rendering. (See col. 12, lines 15 - 23.)

A URL that requests the merchant to deliver Web content to the user's browser, as used in Bezos, is distinct from the payment protocol message in Applicant's claimed invention. Accordingly, Applicant respectfully submits that independent Claims 1, 20, and 39, as amended herein, are patentable over the cited references. Therefore, Applicant's dependent claims are patentable over the cited references as well. The Examiner is therefore respectfully requested to withdraw the §103(a) rejection.

IV. Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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